

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CHRIS TERRY,
Plaintiff,
-against-
CITY OF NEW YORK, et al.,
Defendants.

DECLARATION OF ADAM KARP

No. 23-CV-5955(NRM)(JRC)

ADAM KARP, being an attorney admitted to practice in the State of New York declares on this 4th day of April 2024, pursuant to 28 U.S.C. § 1746, and under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true and that I understand that this document may be filed in an action or proceeding in a court of law:

1. I am employed by the Comptroller of the City of New York (the “Comptroller”) as the Director of Tort Claims in the Bureau of Law & Adjustment. I have held this position since May 2, 2016. As such, I am familiar with the facts as fully set forth below.

2. It is the regular business practice and procedure of the Comptroller’s Office to scan and store digital images of every document, including all correspondence, sent or received by our office in connection with claims against the City of New York or any of its agencies. These digital images are stored in an electronic database, known as OAISIS, maintained by my office, and can be searched, viewed, and printed. My responsibilities include maintaining the Comptroller’s database of notices of claim filed pursuant to N.Y. Gen. Municipal Law § 50-e.

3. When a Notice of Claim (“NOC”) is filed with the Comptroller’s Office pursuant to the New York State General Municipal Law § 50-e, basic information from the NOC is entered into the OAISIS database, including the claimant’s name, attorney name if applicable, date of the incident alleged, and dollar amount claimed. OAISIS then assigns each NOC a claim number.

4. This declaration is submitted at the request of the New York City Law Department and is based upon a search conducted on April 4, 2024 of the OAISIS database for the Notice of Claim served on the Comptroller's Office on or about January 28, 2020 on behalf of Plaintiff Chris Terry related to an injury he allegedly suffered while in custody of the New York City Department of Correction on November 13, 2019. That NOC was assigned Claim Number 2020PI003226. See Notice of Claim, annexed hereto as Exhibit "B".

5. In or about June 2021, the Comptroller negotiated a settlement of Claim Number 2020PI003226 with attorney Matthew B. Waller who purported to act on behalf of Plaintiff Chris Terry. See July 6, 2021 letter from Matthew B. Waller, annexed hereto as Exhibit "C".¹ Pursuant to the agreement reached by Plaintiff and the Comptroller, the City of New York agreed to pay Plaintiff Chris Terry \$3,500, through his attorney, in full and total satisfaction of all claims, injuries, and causes of action for the injury alleged in Claim Number 2020PI003226.

6. In connection with the settlement of Claim Number 2020PI003226, on or about June 30, 2021, Plaintiff Chris Terry executed a "GENERAL RELEASE", a true and correct copy of which is attached hereto as Exhibit "A". An image of the General Release was entered into the OAISIS database, where it is maintained as an official record of the City of New York.

7. The General Release executed by Plaintiff in connection with Claim Number 2020PI003226 is a public record, and is available to any member of the public via New York Public Officers Law §§ 84–90 ("the Freedom of Information Law" or "FOIL").

¹ The copy of the letter attached hereto has been redacted pursuant to Fed. R. Civ. P. 5.2.

8. On or about July 29, 2021, a check in the amount of \$3,500 payable to Plaintiff Chris Terry was sent to the Law Office of Matthew B. Waller. That check was subsequently cashed on or about August 3, 2021.

Executed on 4th day of April 2024, in New York, New York.

DocuSigned by:

Adam Karp

ADAM KARP